Remarks

The specification has been objected to, the title has been objected to, and claims 1-6 have been rejected under 35 USC § 103.

A new Abstract has been provided to overcome the objection to the specification in Item 1 of the Office Action.

A new Title has been provided to overcome the objection to the specification in Item 2 of the Office Action.

Paragraph [0024] has been amended to correct a typographical error.

Claims 1, 2, and 6 have been amended to overcome the obviousness rejection in Item 4. The amendment recites a program stored on the controller, and has a basis at page 14, line 25 of the specification.

Claims 1-6 have been rejected under 35 USC § 103(a) in view of U.S. Patent No. 6,161,558 to Franks *et al.* and Applicant's admitted prior art.

The Office Action makes reference to MPEP §§ 2106 IV.B.1(a) and 2114. These MPEP sections have been reviewed and while they do provide guidance in certain circumstances, it is believed that *WMS Gaming Inc. v. International Game Technology* (51 U.S.P.Q.2d 1385) is controlling in the present application.

In *WMS Gaming Inc. v. International Game Technology*, the court stated that "[a] general purpose computer, or microprocessor, programmed to carry out an algorithm creates 'a new machine, because a general purpose computer in effect becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software.'" 51 USPQ2d at 1391 (quoting *In re Alappat*, 31 USPQ2d 1545, 1558 (en banc)). "'[I]f a machine is programmed in a certain

new and unobvious way, it is physically different from the machine without that program; its memory elements are differently arranged.'" 51 USPQ2d at 1391 (quoting *In re Bernhart*, 163 USPQ 611, 615-16).

In claim 1 of the present application, the controller including the stored program is structurally different than the controllers of the prior art. It can be seen that the prior art does not disclose a controller including the stored program and does not suggest such a controller. Also, the programmable logic controller of the claimed invention is responsive to physical property signals. Franks discloses using sensors in the return manifold to take physical measurements of temperature and chemical concentration; however; Franks does not suggest that the controller is responsive to the physical measurements. Franks only suggests that the controller continually monitors the probes so that "the performance of the system can be downloaded into a usable format for the facility and optimization of the process." See column 8, lines 39-47. The controller in Franks executes stored programs or recipes that are based on predetermined times. See claim 8 and column 8, lines 13-17 and 39-47.

Franks and the other prior art of record do not suggest operating the return valve in response to the physical property signals as the claimed invention does. The claimed invention aims to prevent the introduction of rinse water into the reusable chemical tanks by responding to physical signals that detect the interface between a chemical cleaning composition and the rinse water. See paragraph [0053]. Franks does not reuse the chemical solutions, instead it flushes everything down the drain. Thus, all of the limitations of claim 1 (and claims 2-6 that depend thereon) are not obvious in view of Franks and applicant's admitted prior art.

Conclusion

It is submitted that the entire application has been placed in condition for allowance. Favorable reconsideration is respectfully requested. No fees are believed to be needed for this amendment. However, if additional fees are needed, please charge them to Deposit Account No. 17-0055.

Respectfully submitted,

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By: _____

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